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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,611	08/01/2001	Kiyoshi Iwai	Q65615	2508

7590 07/30/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
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EXAMINER

BELL, PAUL A

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/919,611	IWAI, KIYOSHI
	<b>Examiner</b>	<b>Art Unit</b>
	PAUL A BELL	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 June 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 8/1/2000. It is noted, however, that applicant has either not filed a certified copy of the 2000-232710 application as required by 35 U.S.C. 119(b) or you did file a copy, and the copy never got matched with case and is now effectively lost and can not be found. In either case the effect is you are the only one who can provide a certified copy which is required for foreign priority grant. I apologize if this situation was caused by the PTO.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (5,859,594).

With regard to claim 1 King et al. teaches a portable information terminal apparatus (abstract and figure 1) comprising: a communication part for transmitting and receiving signals by utilizing a radio channel (figure 2, items 102, 104, and figure 3, item 308); a display mode selection part for selecting a display mode in which contents of data contained in said signals are displayed with one or more display colors (figure 2, items 130, 112, 110 and 120 and see column 2, lines 1-27 wherein it is obvious that the smaller display 110 used for only short alpha-numeric messages and the larger

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display 120 used for the substantially longer graphic-type message is clearly suggestive of the broad claim feature “**one or more display colors**”), a display color selection part for selecting an allowable number of the display colors to be used when said contents of data are displayed in accordance with a selection result by said display mode selection part (The effect of having a small display which is suggestive of a simple low power LED or LCD monochrome display and a large display which is suggestive of a LCD multicolor display from which the selector selects will effectively limit the number of colors depending on text or graphics and one would be motivated to use the low power small display when the larger display is not needed) and a data display part for displaying said contents of data in the display mode selected by said display mode selection part, and with the selected allowable number of the display colors selected by said display color selection part (obvious feature because any information such as text or graphics displayed on either of these displays is considered data).

With regard to claim 2 King et al. teaches the portable information terminal apparatus according to claim 1, wherein said display color selection part selects at least one kind of the display colors, when the display mode for said contents of data selected by said display mode selection part is set to a display mode other than for an image data (obvious feature of text which tend to use one color).

With regard to claim 3 King et al. teaches the portable information terminal apparatus according to claim 1, wherein said data display part comprises light emitting elements, each having a color different from each other, constituting a pixel of a display

screen and a drive circuit to drive said light emitting elements(a large display such as a well known color Liquid crystal display is made up of pixels that emit light and each pixel has a red green and blue component capable of multicolor it reads on this broad functional language and a driver for a display is inherent or it would not work).

With regard to claim 4 King et al. teaches the portable information terminal apparatus according to claim 1, wherein said data display part comprises light emitting elements, each having a color different from each other, constituting a pixel of a display screen and a drive circuit to drive said light emitting elements (a large display such as a well known color Liquid crystal display is made up of pixels that emit light and each pixel has a red green and blue component capable of multicolor it reads on this broad functional language and a driver for a display is inherent or it would not work).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. as applied to claims 1-4 above, and further in view of Nishioka et al. (5,390,293).

With regard to claim 5 King et al. does not teach the portable information terminal according to claim 1, wherein said data display part utilizes a display unit being selectively switched between multicolor display and monochrome display modes for displaying said contents of data while conserving electric power. In contrast King et al. performs this function with two displays instead of a single display UNIT.

Nishioka et al. performs this above function with a single display UNIT (SEE Nishioka et al. abstract, figures 4 and 11 for the same reason of conserving electric power).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the King et al. large display to have this above feature as taught by Nishioka et al. because Nishioka et al. does it for the same reason to conserve power.

***Response to Arguments***

5. Applicant's arguments, see Inventors declaration under 37 C.F.R. 1.131, filed 6/14/2004, with respect to the rejection(s) of claim(s) 1-5 under final rejection have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of references.

***Conclusion***

6. The prior art made of record and not relied upon is considered very pertinent to applicant's disclosure.

Wilkinson et al. (6,140,986) teaches the concept of a "combined monochrome and color display" this also reads on applicants single "display unit" of claim 5.

Jahagirdar et al. (6,304,763) teaches the concept of having two displays in a cell phone and directly illustrates that it is well known for them to be LED or LCD this supports suggestive statements above in claim 1.

Irube et al. (6,377,818) teaches the concept of having a display for video and a display for text just like applicant.

Toba (6,438,392) also teaches a phone with an LED and LCD display.

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### COMMENTS

7. The examiner suggest that applicant look at all the prior art sited of record not just the references used when making the amendments because examiner can not at present time anticipate a possible amendment supported by your specification which would overcome a possible combination of prior art of record in this case you may want to request a formal interview before proceeding to discuss possible amendments in view of prior art of case.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019.

If attempts to reach the examiner by telephone are unsuccessful the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377 can help with any inquiry of a general nature or relating to the status of this application.

Any response to this action should be mailed to:

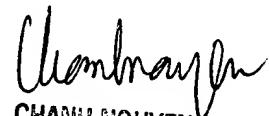
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or Faxed to: (703) 872-9306

Or Hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor  
(Receptionist)

  
Paul Bell

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July 23, 2004

  
CHANH NGUYEN  
PRIMARY EXAMINER